National Park Service
US Department of the Interior

Concession Environmental Management Program
Denver, Colorado

Guidance for Writing an Emergency Response Program (ERP)
(for hazardous substance spills and releases)

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Purpose of This Guidance

This document provides an overview of the Emergency Response Plan (ERP) requirements developed by the Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.120. This document explains elements required in an ERP for hazardous substance spill and release emergencies and focuses on concessioners operating in national parks.

Who Should Read This Guidance

This guidance was written for National Park Service (NPS) concessioners that use or store hazardous substances and expect their employees to clean up nonincidental hazardous substance spills and releases. In general, chemicals labeled with the words “CAUTION," "WARNING," "DANGER," "POISON," or the skull and crossbones symbol are hazardous substances. These include common products found even in the smallest of concession operations, such as cleaning products, paints, oils, pesticides (such as wasp killer spray), and other applicable substances including bulk storage of gasoline and propane.

INCIDENTAL SPILL (excerpt from OSHA’s HAZWOPER FAQ)

An incidental release is a release of a hazardous substance which does not pose a significant safety or health hazard to employees in the immediate vicinity or the employee cleaning it up, nor does it have the potential to become an emergency within a short time frame. Incidental releases are limited in quantity, exposure potential, or toxicity and present minor safety or health hazards to employees in the immediate work area or those assigned to clean them up. An incidental spill may be safely cleaned up by employees who are familiar with the hazards of the chemicals with which they are working.

The Emergency Response Program (ERP) versus the Emergency Action Plan (EAP)

OSHA regulations specify two types of emergency plans for concessioners that use and/or store hazardous substances. They are the Emergency Action Plan (EAP) and the ERP. Determining which plan is required depends upon the expected level of hazardous substance spill and release response.

Emergency Action Plan (EAP)

Employers that **do not allow** employees to clean up any hazardous substance spills and releases, or **only allow** employees to clean up **incidental hazardous substance spills and releases** should address these procedures in an EAP.

Incidental spills and releases do not pose a significant safety or health hazard to employees cleaning up the spill or release. What may constitute an incidental spill or release is dependent upon the employee’s familiarity with the substance, the amount spilled or released, the toxicity of the material, and the environment in which the spill or release occurs.

EAP guidance is not provided in this document, but can be found in the *Guidance for Developing an Emergency Action Plan (EAP)*. Refer to the "Additional Assistance" section for information on how to obtain this guidance.

Emergency Response Program (ERP)

Employers that expect their employees to clean-up hazardous substance spills and releases that are **not incidental** are required to have an ERP (29 CFR 1910.120(l)(1)(i)). The ERP requires employees to undergo a significant level of training, and requires the employer to follow much more stringent regulatory standards than the EAP.

Why is an ERP Needed for Hazardous Substances?

OSHA regulations contained in 29 CFR 1910.120 require that employers develop and implement a documented ERP if any of its employees are expected to respond to a hazardous substance release greater in volume than an incidental spill. Concessioners are often expected to clean up and stop hazardous substance spills because their facilities are relatively remote, and they have the only personnel close enough and available to stop and clean up spills in a timely manner.

As required in the Concession Contract, it is the responsibility of all NPS concessioners to provide a safe and healthful environment for employees and visitors. As such, most NPS concessioners are required to develop a Risk Management Program (RMP) that includes an Emergency Procedures section. Depending on each concessioner's type and scope of operations, the RMP may also include a formal Emergency Response Program (ERP) in its Emergency Procedures section.

First Step: Coordinate with the Park and Determine Responsibilities

The concessioner and the NPS should coordinate to determine the concessioner's expected level of response for specific hazardous substance spills and releases. Based upon these discussions, the concessioner should develop its own ERP and/or an EAP, unless the park indicates that it will include the concessioner in park plans. If the concessioner is included in park plans, the concessioner should be involved in developing and writing the park plans, ensure it has copies of park plans, and make sure concessioner employees understand the park plans and are appropriately trained.

The expected levels of hazardous substance spill and release response, and corresponding concessioner and park responsibilities should be documented in the Concession Contract and/or Operating and Maintenance Plans.

A key element to a well-designed and effective concessioner ERP is a description of how it is integrated with and/or supports the park's emergency plan(s). It is a recommended Best Management Practice (BMP) that the concessioner coordinate with park concession staff, the park safety officer, and other appropriate park staff as it develops, documents, and implements its ERP. This will help ensure that the park and concessioner clearly understand each other's responsibilities and procedures and how they relate.

Second Step: Understanding Emergency Response Plan (ERP) Requirements

The ERP must be documented, and must include procedures for managing emergency response operations, training, medical surveillance and consultation, chemical protective clothing, and post-emergency response operations.

1. Documented Emergency Response Program

The ERP should clearly define the company emergency response policy for hazardous substance spills or releases. The plan should describe what employees are allowed to do (i.e., the expected level of response), and for what types of hazardous substances. Employees should have access to review and copy the ERP.

The ERP must include the following 11 sections:

a. Pre-emergency planning and coordination with outside parties.
b. Personnel roles, lines of authority, training, and communication.
c. Emergency recognition and prevention.
d. Personal protective equipment (PPE) and emergency equipment.
e. Safe distances and places of refuge.
f. Site security and control.
g. Evacuation routes and procedures.
h. Decontamination.
i. Emergency medical treatment and first aid.
j. Emergency alerting and response procedures.
k. Critique of response and follow-up.

Levels of Response: There are three main levels of response, each of which requires a different type of training (as explained later in this document):

1. Notifying authorities about a hazardous substance spill or release, but not stopping or cleaning up the spill or release.
2. Preventing a hazardous substance spill or release from harming people, property, or the environment, but not stopping the source of the spill or release.
3. Stopping and cleaning up a hazardous substance spill or release.

2. Handling Emergency Response Operations

OSHA regulations document key procedures that should be implemented during emergency response situations. These procedures are based on an Incident Command System (ICS) that should be integrated into an ERP.

Under the ICS, the "senior official" responding to an emergency becomes the individual in charge, which means s/he controls operations at the site, including directing individuals that are not his/her employees in responding to a hazardous substance spill or release. The individual in charge of the ICS must:

- Identify all hazardous substances and/or conditions present;
- Implement appropriate emergency operations and assure that appropriate Personal Protective Equipment (PPE) is used;
- Limit the number of emergency response personnel at the site;
- Designate a safety officer with whom to coordinate operations (this may be concessioner staff, park staff, or another individual who responds to the spill or release and is knowledgeable in the operations being implemented at the site); and
- Implement appropriate decontamination procedures once the emergency operations have terminated.

The HAZMAT Team
Those individuals chosen to respond to nonincidental hazardous substance spills and/or releases comprise your hazardous materials (HAZMAT) team. It is important to make sure that the "senior official" and other concessioner employees on your HAZMAT team are knowledgeable about concessioner operations, management responsibilities, and other factors so that they can effectively respond to potential concessioner hazardous substance spills and/or releases. They should also be able to travel quickly to concessioner locations where hazardous substance spills and/or releases may occur in order to respond in a timely manner.

It is preferable that HAZMAT team members be permanent employees rather than seasonal employees since they are more familiar with concessioner operations.

The designated safety officer has the authority to alter, suspend, or terminate activities during the operation that s/he deems to be Immediately Dangerous to Life or Health (IDLH).

Individuals responding to a hazardous substance spill or release must wear positive pressure self-contained breathing apparatus (a type of respirator) if an inhalation hazard or potential inhalation hazard exists, until the individual in charge of the ICS determines that a decreased level of respiratory protection is warranted or that respirators are not needed. Individuals participating in emergency response operations must also use the buddy system (i.e., work groups where each employee is observed by at least one other employee). Back-up responders must be ready to provide assistance or rescue, and qualified basic life support personnel must be ready with medical and transportation capability.

3. Training

OSHA regulations establish five levels of duties for hazardous substance spill and/or release responders. These five levels and the corresponding duties are presented in Table 1 below. Note that if a concessioner has an ERP, <u>all</u> employees should be trained at some level under the ERP. More specific training requirements are described in the **Appendix**.

OSHA regulations specify qualifications for trainers. Trainers must have satisfactorily completed a training course for subjects they are expected to teach such as courses offered by U.S. National Fire Academy, or have training and/or academic credentials and instructional experience necessary to demonstrate competent instructional skills and a good command of the subject matter. If concessioner staff are not qualified to conduct the training, qualified trainers may be hired from another company to provide this service or the concessioner may be able to partner with the Park to participate in Park training. Regardless of how the training is delivered, it is a recommended BMP that training be tailored to address concessioner-specific potential emergency response situations, plans, and procedures.

Table 1: Hazardous Substance Spill and/or Release Responder Levels

1. First Responder Awareness Level
These individuals recognize the presence of hazardous substances in an emergency, and are aware that additional resources are needed to respond to the emergency. Their responsibilities do not go beyond notifying the proper authorities of the emergency situation. Not **all** concessioner **employees** are required to complete training to clean up a nonincidental hazardous substance spills or releases. For example, administrative staff might not be asked to conduct clean up activities. However, these employees must still receive First Responder Awareness Level training so that they know how to recognize and report the presence of spilled or released hazardous substances, but understand that they are **not** to attempt to clean it up themselves. Many concessioner employees may receive this training. <u>Training Requirements</u>: • No specified length for training. • Can be effectively addressed by combining with another training (e.g., with hazard communication training); however, the concessioner must make sure that all applicable topics for both training topics are covered.
2. First Responder Operations Level
These individuals respond to hazardous substance releases or potential hazardous substance releases by protecting nearby persons, property, or the environment from the effects of the release. They respond to a release **without actually trying to stop it** by containing the release, keeping it from spreading, and preventing exposure from a distance. If a concessioner is given the responsibility of responding to a hazardous response spill or release, some of its employees may receive this type of training. However, it is also likely that some employees may receive the next level of training as a Hazardous Materials Technician, where they can actually try to stop release.

Training Requirements:

- 8 hours of training; or
- Sufficient experience to objectively demonstrate competency in OSHA-specified areas for the First Responder Operations Level.

3. Hazardous Materials Technician

These individuals respond to hazardous substance releases or potential hazardous substance releases for the purposes of stopping the release. They have a more aggressive role than a first responder at the operations level since **they will approach the release**.

Concessioner employees chosen to respond to hazardous substance spills and releases will most likely receive this type of training.

Training Requirements:

- 24 hours of training; and
- Sufficient experience to objectively demonstrate competency in OSHA-specified areas for the Hazardous Materials Technician level.

4. Hazardous Materials Specialist

These individuals respond with and provide support to hazardous materials technicians.

It is unlikely that concessioner employees would receive this type of training.

5. On Scene Incident Commander

These individuals are the "senior officials" who may take charge of the ICS.

It is most likely that a manager would receive this training, or that the park or other off-site responder would take the role of the On Scene Incident Commander.

Training Requirements:

- 24 hours of training equal to the Hazardous Materials Technician Level; and
- Sufficient experience to objectively demonstrate competency in OSHA-specified areas for the On Scene Incident Commander level.

The employer must ensure and document that employees who will respond to hazardous substance spills and/or releases receive annual refresher training, or demonstrate competency in those areas at least yearly.

Individuals who operate equipment needed temporarily (e.g., forklift operators) in responding to a hazardous substance spill and/or release are not required to meet the above training requirements. However, they must be briefed prior to their participation in response operations to wear PPE, understand the chemical hazards involved, and understand their duties in the response operations.

4. Medical Surveillance and Consultation

Members of an organized and designated hazardous materials (HAZMAT) team (i.e., a group of individuals organized to respond to hazardous substance releases and/or spills) must receive a baseline physical examination and undergo medical surveillance at least annually (or more, if required) to ensure that they are physically fit to participate on the HAZMAT team. The employer is responsible for providing these physical examinations and medical surveillance. The medical examinations must include the employee's medical and work history, with special emphasis being placed on symptoms related to handling hazardous substances, and the ability to wear PPE (e.g., respirators). The employer must maintain all medical records on file, including the physician's written recommendations on the employee's limitations regarding handling hazardous substances and wearing PPE. For more information on this section, refer to 29 CFR 1910.120(f).

5. Chemical Protective Clothing and Equipment

Clothing and equipment made available to designated HAZMAT teams must be selected and used in a manner which will protect these individuals from hazards and potential hazards they are likely to encounter. For example, totally-encapsulating chemical protective suits must be provided where skin absorption of a hazardous substance may result in a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape. The concessioner should assess what equipment will be necessary to implement the ERP and ensure that the equipment is purchased, deployed, and maintained at concessioner facilities. As a recommended BMP, the concessioner should develop a documented inspection program to regularly check this equipment to ensure that it is still intact and operational.

6. Post-Emergency Response Operations

If it is necessary to remove hazardous substances and contaminated materials from the site once emergency responses are complete, the employer must ensure that its employees have completed appropriate training requirements, or that it meets requirements of 29 CFR 1910.120(b) through (o).

Concessioners should coordinate and consult with the appropriate federal and state regulatory agencies and the National Park Service to determine approved methods and procedures for managing and removing hazardous substances and contaminated materials prior to taking any such action.

Third Step: Taking Into Account Other Emergency Plans

Concessioners are potentially subject to a variety of emergency planning requirements, including the Emergency Response Program (ERP) (29 CFR 1910.120), Emergency Action Plan (EAP) (29 CFR 1910.38), Spill Prevention Control and Countermeasure

(SPCC) Plan (40 CFR 112), Facility Response Plan (FRP) (40 CFR 112), Vessel Response Plan (VRP) (33 CFR 154-156), Risk Management Plan (RMP) (Concession Contract), and others.

Maintaining Both an EAP and an ERP

In some cases, a concessioner may need to comply with both ERP and EAP requirements related to hazardous substance spills or releases. This situation arises when a concessioner will respond to nonincidental spills and releases for some hazardous substances (e.g., fuel) but not for other hazardous substances (e.g., cleaning chemicals). Instead, concessioners may evacuate and call for additional assistance to stop and cleanup these "other" hazardous substances. In this example, a concessioner is required to have an **ERP** to address procedures related to fuel spill and release response, and an **EAP** to address procedures related to cleaning chemical spill and release response. EAP requirements would also apply to other emergencies such as fire, floods, and hurricanes.

SPCC Versus ERP

The most common large (i.e., nonincidental) spills that a concessioner will most likely be required to stop and/or clean up are oil and fuel spills from tanks and drums. These products are considered hazardous substances. If a concessioner is required to respond to these materials, it needs an ERP. The amount of the oil and fuel found at concessioner facilities may also trigger the regulatory requirement for a Spill Prevention Control and Countermeasures (SPCC) Plan that covers many of the same topics.

A Spill Prevention Control and Countermeasures (SPCC) Plan is a specific type of oil pollution prevention and emergency response plan required by federal regulations (40 CFR 112) if a facility meets certain conditions. Refer to the "Additional Assistance" section for an SPCC Plan resource.

Integrated Contingency Plans

To avoid redundancy, regulators allow concessioners to develop a single plan instead of multiple emergency response plans. This single plan is formally called an Integrated Contingency Plan (ICP). There is no set format in developing an ICP. However, there is a sample format that could be used in the ICP Guidance (refer to the "Additional Information" section). The ICP must meet all the regulatory requirements for the individual plans (e.g., EAP, ERP, SPCC, FRP, VRP) that are

Take Note!

Concessioners should ensure that all potential hazardous substances and sources are addressed in their plans. For example:

- SPCC Plans cover oil and petroleum products, but do not cover other hazardous substances (e.g., cleaning products, paints, non-petroleum solvents).
- Oil products in drums (e.g., 55-gallon drums) are often left out of SPCC plans, but should be included.

An ICP must include all required plan elements mandated by regulation that apply to the concessioner's facilities and services. Concessioners can demonstrate that they have included all required plan elements by listing all applicable regulatory requirements (e.g., ERP, SPCC) in the ICP index, and identifying where those requirements are addressed in the ICP.

incorporated. It is helpful to include a section at the beginning of the ICP that identifies where each regulatory-mandated topic (e.g., OSHA EAP and ERP requirements, U.S. Environmental Protection Agency SPCC and FRP requirements, and U.S. Coast Guard VRP requirements) is located in the plan.

Additional Information

Resource Type	Name	Description	Source
phone number	OSHA HelpLine	Provides regulatory assistance	OSHA 301/515-6796
website	OSHA Technical Link on Emergency Response	Provides information on emergency response	OSHA www.osha.gov/SLTC/emergencyresponse/index.html
website	OSHA Directive on complying with 29 CFR 1910.120(q)	Directive on complying with 29 CFR 1910.120(q)	OSHA www.osha.gov/comp-links.html, click on "Compliance Directives," then click on "CPL 2-2.59A"
website	"One Plan"/Integrated Contingency Plan	Information on the Integrated Contingency Plan (ICP)	US EPA www.epa.gov/region1/steward/emerplan/oneplan.html
website	The National Response Team's Integrated Contingency Plan Guidance	National guidance and reports on the Integrated Contingency Plan (ICP)	National Response Team www.nrt.org, click on "national guidance and reports," then click on "National Response Team's Integrated Contingency Plan Guidance"
document	EnviroCheck Sheet: Emergency Response Planning and Reporting	Multi-page document used as a tool during NPS environmental audits	NPS Concession Environmental Management Program *GreenLine* Technical Assistance Number 303/987-6913
document	Guidance for Writing an Emergency Action Plan	Guidance written specifically for concessioners on writing an Emergency Action Plan	NPS Concession Environmental Management Program *GreenLine* Technical Assistance Number 303/987-6913
document	Understanding Spill Prevention Control and Countermeasure (SPCC) Plans	Guidance written specifically for concessioners on writing an SPCC Plan.	NPS Concession Environmental Management Program *GreenLine* Technical Assistance Number 303/987-6913

Appendix:
Training Requirements

Training Requirements

Listed below are ERP training requirements for different levels. Note that a concessioner does not need employees who undergo training at each of the levels described below.

It is most likely, however, that the concessioner will have employees that undergo training for the First Responder Awareness Level (i.e., employees who are not trained in cleaning up nonincidental hazardous substance spills and releases) and the Hazardous Materials Technician (i.e., employees who are trained in responding to and stopping a hazardous substance spill and/or release).

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1. First Responder Awareness Level	
Description	Individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.
Training Requirements	First responders at the awareness level shall have sufficient training or have had sufficient experience to objectively demonstrate competency in the following areas: • An understanding of what hazardous substances are, and the risks associated with them in an incident. • An understanding of the potential outcomes associated with an emergency created when hazardous substances are present. • The ability to recognize the presence of hazardous substances in an emergency. • The ability to identify the hazardous substances, if possible. • An understanding of the role of the first responder awareness individual in the employer's emergency response plan including site security and control and the U.S. Department of Transportation's Emergency Response Guidebook. • The ability to realize the need for additional resources, and to make appropriate notifications to the communication center.
Number of hours for training:	Not specified in regulations.

2. First Responder Operations Level	
Description	First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is

	to contain the release from a safe distance, keep it from spreading, and prevent exposures.
Training Requirements	First responders at the operational level shall have received training or have had sufficient experience to objectively demonstrate competency in the following areas in addition to those listed for the awareness level and the employer shall so certify: • Knowledge of the basic hazard and risk assessment techniques. • Know how to select and use proper personal protective equipment provided to the first responder operational level. • An understanding of basic hazardous materials terms. • Know how to perform basic control, containment and/or confinement operations within the capabilities of the resources and personal protective equipment available with their unit. • Know how to implement basic decontamination procedures. • An understanding of the relevant standard operating procedures and termination procedures.
Number of hours for training:	8 hours

3. Hazardous Materials Technician	
Description	Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.
Training Requirements	Hazardous materials technicians shall have received training equal to the first responder operations level and in addition have competency in the following areas and the employer shall so certify: • Know how to implement the employer's emergency response plan. • Know the classification, identification and verification of known and unknown materials by using field survey instruments and equipment. • Be able to function within an assigned role in the Incident Command System. • Know how to select and use proper specialized chemical personal protective equipment provided to the hazardous materials technician. • Understand hazard and risk assessment techniques. • Be able to perform advance control, containment, and/or confinement operations within the capabilities of the resources and personal protective equipment available with the unit. • Understand and implement decontamination procedures.

	• Understand termination procedures. • Understand basic chemical and toxicological terminology and behavior.
Number of hours for training:	24 hours

4. Hazardous Materials Specialist	
Description	Hazardous materials specialists are individuals who respond with and provide support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician, however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities.
Training Requirements	Hazardous materials specialists shall have received training equal to the technician level and in addition have competency in the following areas and the employer shall so certify: • Know how to implement the local emergency response plan. • Understand classification, identification and verification of known and unknown materials by using advanced survey instruments and equipment. • Know the state emergency response plan. • Be able to select and use proper specialized chemical personal protective equipment provided to the hazardous materials specialist. • Understand in-depth hazard and risk techniques. • Be able to perform specialized control, containment, and/or confinement operations within the capabilities of the resources and personal protective equipment available. • Be able to determine and implement decontamination procedures. • Have the ability to develop a site safety and control plan. • Understand chemical, radiological and toxicological terminology and behavior.
Number of hours for training:	24 hours

5. On Scene Incident Commander	
Description	Incident commanders assume control of the incident scene beyond the first responder awareness level. There should only be one acting incident commander for a particular incident at any one time.
Training Requirements	Incident commanders shall receive at least training equal to the first responder operations level and in addition have competency in the following areas and the employer shall so certify:

	• Know and be able to implement the employer's incident command system. • Know how to implement the employer's emergency response plan. • Know and understand the hazards and risks associated with employees working in chemical protective clothing. • Know how to implement the local emergency response plan. • Know of the state emergency response plan and of the Federal Regional Response Team. • Know and understand the importance of decontamination procedures.
Number of hours for training:	24 hours